

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SHERMAN,
Petitioner,

No. C 11-02875 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

MICHAEL MARTEL, Acting Warden,
Respondent.

On June 13, 2011, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Petitioner has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Petitioner's case. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

DATED: 7/20/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

¹Michael Martel, the current acting warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MICHAEL SHERMAN,
5 Plaintiff,

Case Number: CV11-02875 SBA

6 v.

CERTIFICATE OF SERVICE

7 NAPA COUNTY SUPERIOR et al,
8 Defendant.
9 _____/

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on July 21, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Michael Sherman AG4827
17 California State Prison - San Quentin
18 San Quentin, CA 94974

19 Dated: July 21, 2011

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk
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